

# Texas Commission on Environmental Quality

---

## INTEROFFICE MEMORANDUM

**To:** Office of General Counsel

**Date:** September 19, 2007

**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification  
Sunny Financial L.L.C. dba Normandy Food Mart  
(Convenience store with retail sales of gasoline)  
Docket No. 2007-1339-PST-E, RN102276441

Regarding the enforcement action listed above, the penalties have been paid and corrective actions have been verified complete by the Field Operations Division.

If there are any questions, please contact Steven Lopez of my staff at 239-1896.





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

## FIELD CITATION

Field Citation No.

01218

REGION 12Investigation Date: 5/15/07  
Investigators Name: Lisa E. MerrittTime: 10:01 ☒ AM 7:50 PM 40 3195  
Investigators Signature: [Signature]Docket No.: 5007-1339-95-E  
Investigation No.: 560335

|   |                                  |
|---|----------------------------------|
| Respondent: <u>Sunny Financial LLC</u>                                | CN No. <u>CN 603186065</u>       |
| Regulated Entity: <u>Normandy Food Mart</u>                           | RN No. <u>RN 102276441</u>       |
| Physical Address: <u>754 Normandy, Houston, TX</u> County: <u>101</u> | Additional ID No. <u>0069136</u> |

An investigation was conducted at the regulated entity named above. The following violation(s), with a checked box and assessed penalty, are alleged against the respondent named above:

| ALLEGED VIOLATION   | 30 TEX. ADMIN. CODE (TAC) RULE | ASSESSED PENALTY   |         |                                     |         |
|---|--------------------------------|--|---------|-------------------------------------|---------|
|   |                                | MAJOR  |         | MINOR                               |         |
| Failure to provide release detection  | 30 TAC §334.50(b)(1)(A)        | <input type="checkbox"/>   | \$3,500 | <input checked="" type="checkbox"/> | \$1,750 |
| Failure to provide corrosion protection   | 30 TAC §334.49(a)(1)           | <input type="checkbox"/>   | \$3,500 | <input type="checkbox"/>            | \$1,750 |
| Failure to implement inventory control methods  | 30 TAC §334.50(d)(1)(B)        | <input type="checkbox"/>   | \$3,500 | <input checked="" type="checkbox"/> | \$1,750 |
| Failure to provide spill containment and overfill prevention  | 30 TAC §334.51(b)(2)           | <input type="checkbox"/>   | \$3,500 | <input type="checkbox"/>            | \$1,750 |
| Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel                          | 30 TAC §334.8(c)(5)(A)(i)      |  |         | <input type="checkbox"/>            | \$875   |
| Failure to have Stage I vapor recovery equipment  | 30 TAC §115.221                | <input type="checkbox"/>   | \$1,750 | <input type="checkbox"/>            | \$875   |
| Failure to have Stage II vapor recovery equipment   | 30 TAC §115.241                | <input type="checkbox"/>   | \$1,750 | <input type="checkbox"/>            | \$875   |
| Failure to obtain a Multi-Sector General Permit (stormwater)  | 30 TAC §281.25(a)(4)           |  |         | <input type="checkbox"/>            | \$875   |
| Failure to obtain a required occupational license (Program: _____)                                    | 30 TAC §30.5(a)                |  |         | <input type="checkbox"/>            | \$210   |
| Investigator Comments: (including corrective action)<br><u>no ATG tests or monthly reconciliation</u> |                                | TOTAL ASSESSED PENALTY: <u>\$3500</u>  |         |                                     |         |
|   |                                | Additional violation(s) noted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |         |                                     |         |

IF YOU CHOOSE TO SETTLE the alleged violation(s) within **30 days** from the investigation date noted above, please submit this form with the Authorized Representatives original signature AND check or money order for the total assessed penalty to the address below. Be sure and include **BOTH** the Regulated Entity Name AND Field Citation No. noted above on your payment method.

Financial Administration Division, MC 214  
Texas Commission on Environmental Quality  
PO Box 13088  
Austin, Texas 78711-3088

**Certification of completed corrective action** for each alleged violation must be submitted to the address circled on the back of this form, within **60 days** from the investigation date. Your signature below and penalty payment within 30 days from the investigation date indicates that you will correct the alleged violation(s). Failure to provide documentation of completed corrective action within the specified time frame may result in additional penalties.

The respondent named above generally denies the alleged violation(s) with an assessed penalty above. Payment of the penalty is made only in the interest of settlement.

As an Authorized Representative, I understand that by signing this citation and agreeing to pay the administrative penalty, I waive certain procedural rights, including the right to formal notice of violation(s) alleged in this citation, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

Authorized Representative Signature

Printed Name

Title

Date

For the Commission

Date

IF YOU CHOOSE TO CONTEST the alleged violation(s) in this citation, notify the investigator named above. The alleged violation(s) above will be referred to the TCEQ's Enforcement Division. Please be aware this Field Citation total assessed penalty amount will no longer be available.

**FAILURE TO RESPOND TO THIS CITATION:** If you fail to pay the assessed penalty, the TCEQ Enforcement Division will pursue further enforcement action including assessment of increased administrative penalties. Financial inability to pay the penalty does not excuse failure to respond to and correct the alleged violation(s).

☐ Water (CWTR)☒ Waste/Multimedia (CWST)☐ Air (CAIR)☐ Dry Cleaner (CDRY)

# TCEQ REGIONAL OFFICES

| 1 – AMARILLO   |  | 2 – LUBBOCK  | 3 – ABILENE  |
|--|--|--|--|
| <b>Regional Director - Brad Jones</b><br>3918 Canyon Dr.<br>Amarillo, TX 79109-4933<br>806/353-9251 FAX: 806/358-9545                    |  | <b>Regional Director - Randy Ammons</b><br>3113 34th St.<br>Lubbock, TX 79410-3227<br>806/796-7092 FAX: 806/796-7107   | <b>Regional Director - Winona Henry</b><br>1977 Industrial Blvd.<br>Abilene, TX 79602-7833<br>325/698-9674 FAX: 325/692-5869           |
| 4 – DALLAS/FORT WORTH  |  | 5 – TYLER  | 6 – EL PASO  |
| <b>Regional Director - Frank Espino</b><br>2309 Gravel Dr.<br>Fort Worth, TX 76118-6951<br>817/588-5800 FAX: 817/588-5700                |  | <b>Regional Director - Leroy Biggers</b><br>2916 Teague Dr.<br>Tyler, TX 75701-3734<br>903/535-5100 FAX: 903/595-1562  | <b>Regional Director - Archie Clouse</b><br>401 E. Franklin Ave., Ste. 560<br>El Paso, TX 79901-1212<br>915/834-4949 FAX: 915/834-4940 |
| 7 – MIDLAND  |  | 8 – SAN ANGELO   | 9 – WACO   |
| <b>Regional Director - Jed Barker</b><br>3300 North A St., Bldg. 4-107<br>Midland, TX 79705-5451<br>432/570-1359 FAX: 432/570-4795       |  | <b>Regional Director - Ricky Anderson</b><br>622 S. Oakes, Ste. K<br>San Angelo, TX 76903-7035<br>325/655-9479 FAX: 325/658-5431   | <b>Regional Director - Anna Dunbar</b><br>6801 Sanger Ave., Ste. 2500<br>Waco, TX 76710-7826<br>254/751-0335 FAX: 254/772-9241         |
| 10 – BEAUMONT  |  | 11 – AUSTIN  | 12 – HOUSTON   |
| <b>Regional Director - Georgie Volz</b><br>3870 Eastex Fwy.<br>Beaumont, TX 77703-1830<br>409/898-3838 FAX: 409/892-2119                 |  | <b>Regional Director - Patty Reeh</b><br>1921 Cedar Bend Dr., Ste. A150<br>Austin, TX 78758-5327<br>512/339-2929 FAX: 512/339-3795   | <b>Regional Director - Donna Phillips</b><br>5425 Polk St., Ste. H<br>Houston, TX 77023-1452<br>713/767-3500 FAX: 713/767-3520         |
| 13 – SAN ANTONIO   |  | 14 – CORPUS CHRISTI  | 15 – HARLINGEN   |
| <b>Regional Director - Richard Garcia</b><br>14250 Judson Rd.<br>San Antonio, TX 78233-4480<br>210/490-3096 FAX: 210/545-4329            |  | <b>Regional Director - Susan Clewis</b><br>NRC Bldg., Ste. 1200<br>6300 Ocean Dr., Unit 5839<br>Corpus Christi, TX 78412-5839<br>361/825-3100 FAX: 361/825-3101  | <b>Regional Director - Carlos Rubinstein</b><br>1804 West Jefferson Ave.<br>Harlingen, TX 78550-5247<br>956/425-6010 FAX: 956/412-5059 |
| 16 – LAREDO  |  | WORLD WIDE WEB   |  |
| <b>Regional Director - Carlos Rubinstein</b><br>707 East Calton Rd., Ste. 304<br>Laredo, TX 78041-3887<br>956/791-6611 FAX: 956/791-6716 |  | TCEQ rules, publications, agendas and highlights of Commission meetings and other environmental information are available from the convenience of your computer by accessing the TCEQ World Wide Web Home Page over the Internet at:<br><a href="http://www.tceq.state.tx.us">www.tceq.state.tx.us</a> |  |

# LOCAL GOVERNMENT OFFICES

|  |   |
|--|---|
| <b>Environmental Management Department</b><br><b>City of Fort Worth</b><br>5000 Martin Luther King, Jr. Fwy.<br>Fort Worth, TX 76119-4166<br>817/871-5450 FAX: 817/871-5464  | <b>Air Program</b><br><b>El Paso City-County</b><br><b>Health &amp; Environmental District</b><br>222 S. Campbell, Ste. 205<br>El Paso, TX 79901-2838<br>915/543-3599 FAX: 915/543-3655 |
| <b>Environmental &amp; Health Services Department</b><br><b>City of Dallas</b><br>320 E. Jefferson Blvd., Rm LL13<br>Dallas, TX 75203-2632<br>214/948-4435 FAX: 214/948-4412 | <b>Pollution Control Division</b><br><b>Galveston County Health District</b><br>P.O. Box 939<br>LaMarque, TX 77568-0939<br>409/938.2411 FAX: 409/938-2321                               |